

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

MST MANAGEMENT LLC; DENDARY'S
DONUTS, LLC; LYON & GREYBEAR
LENDING, LLC; and SKYELEE, LLC,

Plaintiffs/Counterdefendants

vs.

CHICAGO DOUGHNUT FRANCHISE
COMPANY, LLC; DIVERSIFIED
FRANCHISE GROUP, INC., BRIAN
PAPPAS; JEFFREY PAPPAS;
JACQUELINE BALL; MARK
PUBLICOVER; MONTIEDELL "MONTY"
MAPLE; BRYAN MORELLE; MARC
FREEMAN; RIC McKOWN; and STEVEN
MOULTON,

Defendants/Counterclaimants

THIRD-PARTY DEFENDANTS
STEPHANIE HURTADO, JUAN
LEONARDO SANCHEZ, BROOKE
ROGERS SANCHEZ, CELESTE STEELE,
AND DAVID RODRIGUEZ

Third-Party Defendants

Case No: 2:21-cv-00360-CDS-DJA

**ORDER DISMISSING CLAIMS IN PART
WITH PREJUDICE AND IN PART WITHOUT
PREJUDICE AND VACATING HEARING SET
FOR DECEMBER 21, 2022 AT 10:00 A.M.**

[ECF Nos. 122, 140, 155]

1 CAME ON THIS DAY for consideration of the Joint Motion to Dismiss Claims Pursuant to
2 Fed. R. Civ. P. 41 in this case and motion to vacate hearing, and the Court being of the opinion that
3 said motion [ECF No. 155] should be GRANTED, it is hereby

4 ORDERED, ADJUDGED AND DECREED that all claims, counterclaims, and third-party
5 claims that are asserted or that could have been asserted by any of the parties, Plaintiffs MST
6 Management LLC, Lyon & Greybear Lending, LLC, and Skylee, LLC and Third-Party Defendants
7 Stephanie Hurtado, Juan Leonardo Sanchez, Brooke Rogers Sanchez, Celeste Steele, and David
8 Rodriguez, Defendants Chicago Doughnut Franchise Company, LLC, Diversified Franchise Group,
9 Inc., Brian Pappas, Jeffrey Pappas, Jacqueline Ball, Mark Publicover, Montiedell "Monty" Maple,
10 Bryan Morelle, Marc Freeman, Ric McKown, and Steven Moulton, in any capacity including
11 individually, personally, or as a representative, agent, member, or owner of their respective entities
12 are hereby dismissed WITH PREJUDICE, subject to the terms of that certain agreement titled
13 "FINAL SETTLEMENT AND RELEASE AGREEMENT" dated December 20, 2022.

14 ORDERED, ADJUDGED AND DECREED that Plaintiffs/Counterdefendants' ability or
15 right to bring class and/or subclass claims pursuant to Fed. R. Civ. P. 23 that are asserted or that
16 could have been asserted in this action WITH PREJUDICE.

17 ORDERED, ADJUDGED AND DECREED that all uncertified or putative class and/or
18 subclass claims that are asserted or that could have been asserted in this action pursuant to Fed. R.
19 Civ. P. 23, and all claims that are asserted or that could have been asserted in this action by any
20 absent or putative class member, are hereby dismissed WITHOUT PREJUDICE.

21 It is further ORDERED that all costs, expenses, and attorneys' fees are to be borne by the
22 party that incurred them.

23 It is further ORDERED that the December 21, 2022 hearing set for 10:00 A.M. (ECF No.
24 154) is VACATED. It is further ORDERED that the motions to dismiss [ECF Nos. 122, 140] are
25 denied as moot. The Clerk of Court is directed to CLOSE THIS CASE.

26 SIGNED this 20th day of December, 2022.

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THE HONORABLE CRISTINA D. SILVA
UNITED STATES DISTRICT JUDGE